

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
ALBERT T. BEANE, JR., individually and on  
behalf of all others similarly situated, :  
-----x

Plaintiff, :  
-----x

- against - :  
-----x

THE BANK OF NEW YORK MELLON, :  
BNY CONVERGEX EXECUTION SOLUTIONS :  
LLC, and CALLAN ASSOCIATES, INC., :  
-----x

Defendants. :  
-----x

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07 Civ. 09444 (RMB)

**ORDER**

Based on the Plaintiff's letter, dated August 8, 2008, informing the Court that "the parties reached an agreement in principle to settle the lawsuit," it is hereby

**ORDERED**, that Plaintiff's Motion to Certify a Class of ERISA Plans, and Defendants' Joint Motion to Dismiss the Complaint are dismissed as moot. The Clerk is respectfully requested to dismiss motions [# 45] and [#53].

Dated: New York, New York  
September 2, 2008

  
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Richard M. Berman, U.S.D.J.